IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1569 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/11/2003 in WP NO : 22726 OF 2003 on the file of the High Court.)

Between:

C.Hanumantha Rao, S/o.Chinna Veerabhadraiah,
R/o.Srinilayam, plot No.243/A, MLA Colony, Road No.12, Banjara Hills,Hyderabad.

..... APPELLANT

AND

1. The State of A.P.rep.by its Prl.Secretary to Revenue, Secretariat, Hyderabad.
2. The Commissioner for Appeals, Urban Land Ceiling, Nampally Station Road,Hyderabad.
3. The Special officer and Competent Authority, Urban Land ceiling Hyderabad.
4. Chiranjilal Vyas, S/o.Late Ganapathlal Vyas, R/o.H.No.61A,M.G.Road, Secunderabad.
5. Smt.Uma Vyas, W/o.Chiranjilal Vyas, R/o.H.No.61A, M.G.Road, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr.E.Manohar, Senior Advocate for MR.R.G.SHASHIDHAR SINGH

Counsel for the Respondents 1 to 3: Govt. Pleader for Assignments

Counsel for the Respondents 4 and 5: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

We have heard the learned counsel for the appellant. Appellant is a counsel who presented writ petition in W.P.No.22726 of 2003 and a show cause notice had been issued to him as to why proceedings be not initiated against him under the Contempt of the Court Act for having interrupted the court proceedings. Pursuant to the said notice, affidavit was filed by the appellant showing regrets. While taking the said regret on record, accepting the same and dropping the proceedings, learned single Judge also made some remarks about the conduct of the advocate and the present appeal is for expunction of those remarks, which are as follows:

> "The manner in which the counsel for petitioner has interrupted (with) the Court proceedings is reprehensive and it is not expected by a counsel who has put in more than 25 years of practice at the Bar".

As a matter of fact, learned single Judge noticed the circumstances under which show cause notice was issued and of the fact of filing of affidavit and also extracted in his order that paragraph of the affidavit by which the appellant had expressed regrets. Once the learned single Judge was satisfied that the regret expressed by the appellant deserves acceptance and for that reason, proceedings under the Contempt of Court Act deserves to be dropped, there was no necessity at all for the learned single Judge to have made certain remarks which are now sought to be expunged. Continuance of such remarks really would mean that learned single Judge did not intend to accept the regrets but expressed his opinion as regards the conduct of the appellant and then dropped the proceedings. Acceptance of regret and continuing those remarks cannot go together and once the learned single Judge was of the view that regret deserves to be accepted and proceedings deserve to be dropped, he ought not to have made any further remarks. Accordingly, appeal deserves to be allowed.

Appeal is allowed. Offending remarks quoted above are treated to be

expunged.

_____

DEVINDER GUPTA, CJ

28-10-2004

_____

C.V.RAMULU, J

Tvr

To

1. The Principal Secretary to Revenue, Secretariat, Hyderabad.
2. The Commissioner for Appeals, Urban Land Ceiling, Nampally Station Road,Hyderabad.
3. The Special officer and Competent Authority, Urban Land ceiling Hyderabad.
4. 2 CCs to the Govt. Pleader for Assignments, High Court Buildings, Hyderabad (OUT).
5. 2 CD copies.